

United States District Court
FOR THE
NORTHERN DISTRICT OF CALIFORNIA
VENUE: SAN FRANCISCO

FILED

Jan 07 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES OF AMERICA,

v.

Chen SONG

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 1546(a) - Use and Possession of Visa Procured by Fraud;
18 U.S.C. § 982(a)(6) – Forfeiture Allegation

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

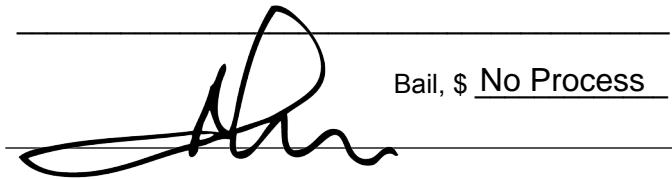
Filed in open court this 7th day of

January, 2021.

Stephen Ybarra

Clerk

Bail, \$ No Process



1 DAVID L. ANDERSON (CABN 149604)
2 United States Attorney

FILED

3 Jan 07 2021

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5 SUSAN Y. SOONG
6 CLERK, U.S. DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA
8 SAN FRANCISCO

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) CASE NO. 3:21-cr-00011 WHA
14 Plaintiff,)
15 v.) VIOLATION:
16 CHEN SONG,) 18 U.S.C. § 1546(a) – Use and Possession of Visa
17 Defendant.) Procured by Fraud;
18) 18 U.S.C. § 982(a)(6) – Forfeiture Allegation
19) SAN FRANCISCO VENUE
20)
21)
22)
23)
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27)
28)

17 I N D I C T M E N T

18 The Grand Jury charges:

19 Introductory Allegations

20 At all times relevant to this Indictment, except where otherwise stated:

21 1. Defendant Chen SONG was a national of the People's Republic of China ("PRC"). She
22 was not a citizen of the United States of America and had no permanent immigration status in the United
23 States.

24 2. The People's Liberation Army ("PLA") was the military of the PRC. The PLA had an
25 Air Force branch.

26 3. The PLA's Air Force General Hospital in Beijing, China ("AFGH") was part of the Air
27 Force branch of the PLA, and served as a clinical teaching hospital for a number of colleges and
28 universities, including the Air Force Military Medical University ("AFMMU"). The hospital's address

INDICTMENT

was No. 30 Fucheng Road, Haidian District, Beijing, China 100142.

4. AFMMU was previously known as Fourth Military Medical University (“FMMU”), and was a military university in China that is also subordinate to the PLA’s Air Force branch.

5. SONG was an active duty member of the PLA. SONG was a physician, with an expertise in neurology, and was employed by the Air Force branch of the PLA. SONG worked from at least 2011 onward as a military doctor in the Department of Neurology at AFGH, with an affiliation with AFMMU a/k/a FMMU. SONG wore various PRC military uniforms at times and possessed military credentials issued by the AFGH Political Department.

The Visa Fraud Scheme

6. SONG devised and executed a scheme to obtain a non-immigrant visa to enter the United States via fraud and false statements. In order to conceal from the United States government that she was an active duty member of the Chinese military, SONG falsely stated her employer and her military status, and failed to state her true employer and active military status, on her visa application. She then entered the United States using this fraudulently obtained visa and remained in the United States on this visa while appointed as a Visiting Scholar at Stanford University (“Stanford”).

7. Specifically, on or about November 10, 2018, SONG applied for a United States Non-Immigrant Visa from the United States Department of State (the “State Department”). This visa application was completed on the Form DS-160 and submitted electronically through the State Department’s website. It was signed electronically under penalty of perjury.

8. SONG’s visa application included false statements and concealed her true employer and her ongoing active membership in a foreign military—specifically, in the PLA. In the application, SONG described herself as a neurologist who was coming to the United States to conduct research at Stanford. For her employer, SONG falsely stated that she was employed by the “Xi Diaoyutai Hospital,” located at “No. 30 Fucheng Road, Beijing, 100142,” from June 30, 2011 to the present, concealing the obviously military nature of her hospital, AFGH. She described her duties as a neurologist as “diagnose and treat patients, especially with brain disease,” and stated that she had no previous employment. In response to the question on the form asking her about military service, “Have you ever served in the military?”, SONG answered “YES.” However, in response to the prompts asking

1 her “Rank/Position,” SONG falsely wrote “STUDENT,” and in response to the prompts asking for her
2 dates of service, she falsely stated that her service ended on “30 JUNE 2011.” She did not state that she
3 was an active member of the PLA, did not state her rank in the military, and did not state that she was
4 employed by AFGH, AFMMU, FMMU, or any other military-affiliated entity, anywhere on her visa
5 application.

6 9. On or about November 23, 2018, as a result of her application, SONG was issued a J-1
7 visa to enter the United States. A J-1 visa is a non-immigrant document for individuals approved to
8 participate in work- and study-based exchanged visitor programs. Her visa was given a “Control
9 Number” ending in -0018. It stated November 23, 2018 as the “Issue Date” and January 6, 2020 as the
10 “Expiration Date.”

11 10. On or about December 23, 2018, SONG entered the United States through San Francisco
12 International Airport (“SFO”), in the Northern District of California, using the J-1 visa she had been
13 issued the prior month. While in the United States, she resided and worked in the Northern District of
14 California, working at a neurological research lab at Stanford. On or about June 10, 2019, SONG
15 temporarily departed the United States, and then on or about June 14, 2019, re-entered the United States
16 using the same J-1 visa. Though her visa (and her appointment at Stanford) were scheduled to expire in
17 early January 2020, SONG obtained extensions to both for another year.

18 11. On or about July 13, 2020, SONG was found in the Northern District of California in
19 possession of the fraudulently obtained J-1 visa, which remained in her PRC passport.

COUNT ONE: (18 U.S.C. § 1546(a) – Use and Possession of Visa Procured by Fraud)

12. Paragraphs 1 through 11 of this Indictment are re-alleged and incorporated herein.

22 13. From on or about November 23, 2018, to on or about July 13, 2020, in the Northern
23 District of California and elsewhere, the defendant,

CHEN SONG,

knowingly uttered, used, attempted to use, possessed, obtained, accepted, and received a non-immigrant visa prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, to wit, a J-1 visa with a control number ending in -0018 in the name of CHEN SONG, knowing the document to have been procured by means of any false claim and statement,

1 otherwise procured by fraud, and unlawfully obtained, in violation of Title 18, United States Code,
2 Section 1546(a).

3 **FORFEITURE ALLEGATION:** (18 U.S.C. § 982(a)(6))

4 14. The allegations contained this Indictment are re-alleged and incorporated by reference for
5 the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(6).

6 15. Upon conviction of the offense set forth in this Indictment, the defendant,

7 CHEN SONG,

8 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(6):

- 9 a. any conveyance, including any vessel, vehicle, or aircraft, used in the commission of
10 the offense;
- 11 b. any property, real or personal, that constitutes or is derived from or is traceable to the
12 proceeds obtained directly or indirectly from the commission of the offense; or
- 13 c. that was used to facilitate, or was intended to be used to facilitate, the commission of
14 the offense.

15 If any of the property described above, as a result of any act or omission of the defendant:

- 16 a. cannot be located upon exercise of due diligence;
- 17 b. has been transferred or sold to, or deposited with, a third party;
- 18 c. has been placed beyond the jurisdiction of the court;
- 19 d. has been substantially diminished in value; or
- 20 e. has been commingled with other property which cannot be divided without difficulty,

21 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
22 United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

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1 All pursuant to Title 18, United States Code, Section 982(a)(6) and Federal Rule of Criminal
2 Procedure 32.2.

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4 DATED: January 7, 2021

A TRUE BILL.

5

6 /s/
7 FOREPERSON

8 DAVID L. ANDERSON
9 United States Attorney

10 /s/ Benjamin Kingsley
11 BENJAMIN KINGSLEY
12 ERIC CHENG
13 Assistant United States Attorneys